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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 5th April, 1988:—

BILL NO. 38 OF 1988

A Bill further to amend the Customs Act, 1962.

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Customs (Amendment) Act, 1988.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

52 of 1962.

2. In section 14 of the Customs Act, 1962 (hereinafter referred to as the principal Act),—

Amend-
ment of
section
14.

(a) in sub-section (1),—

(i) in clause (a), the brackets and letter "(a)" shall be omitted;

(ii) clause (b) shall be omitted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Subject to the provisions of sub-section (1), the price referred to in that sub-section in respect of imported goods

shall be determined in accordance with the rules made in this behalf.”;

(c) in sub-section (2), after the words, brackets and figure “in sub-section (1)”, the words, brackets, figure and letter “or sub-section (1A)” shall be inserted.

Amend-
ment of
section
156

3. In section 156 of the principal Act, in sub-section (2), for clause (a), the following clause shall be substituted, namely:—

“(a) the manner of determining the price of imported goods under sub-section (1A) of section 14;”.

STATEMENT OF OBJECTS AND REASONS

The Customs Act, 1962 (52 of 1962) deals with the law relating to levy of duties of customs. Section 14 thereof provides for the valuation of goods for the purposes of assessment of duties of customs chargeable on goods by reference to their value. Article VII of the General Agreement on Trade and Tariff (GATT), to which India is a contracting party, lays down general principles on customs valuation. The provisions of the said section 14 are, therefore, based on Article VII of GATT.

2. During the Tokyo Round of Multi-lateral Trade Negotiations under the GATT (1973—1979), an Agreement on Implementation of Article VII of the GATT, also known as GATT Code of Valuation, was adopted. This Agreement lays down elaborate rules to provide for greater uniformity and certainty in the application of Article VII of the GATT for determining the value of imported goods. As India is a contracting party to this Agreement also, we are required to implement the said GATT Code of Valuation.

3. The purpose of the Bill is, therefore, to suitably amend section 14 of the Customs Act so as to enable the Central Government to frame rules on the basis of GATT Code of Valuation for the determination of the price of imported goods.

4. The Bill seeks to achieve the above object.

NEW DELHI;

The 24th March, 1988.

AJIT KUMAR PANJA.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill seeks to insert a new sub-section (1A) in section 14 of the Customs Act, 1962, providing that, subject to the provisions of sub-section (1) of that section, the price of imported goods shall be determined in accordance with the rules made in this behalf. Accordingly, clause 3 of the Bill seeks to substitute clause (a) of sub-section (2) of section 156 of the Customs Act so as to empower the Central Government to make rules to provide for the manner of determining the price of imported goods under the said sub-section (1A) of section 14 of the Customs Act.

2. The matters with respect to which rules may be made are matters of procedure and detail and it may not be practicable to provide them in the Bill.

3. The delegation of legislative power is, therefore, of a normal character.

SUBHASH C. KASHYAP,
Secretary-General.